

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DANIEL FERULLO d/b/a)
HIT & RUN SPORTS AND GAMES,)
Plaintiff)
vs.) Civil Action No. 04-12016NMG
vs.)
UNITED STATES POSTAL SERVICE,)
Defendant)

)

JOINT LOCAL RULE 16.1 STATEMENT

The parties in this action submit the following Joint Statement pursuant to Local Rule 16.1:

1. **Agenda for Scheduling Conference:**

The parties have agreed that the matters to be discussed at the Initial Scheduling Conference are:

- a. Schedule for discovery;
- b. Schedule for filing dispositive motions; and
- c. Schedule for pretrial conference and trial.

2. **Proposed Discovery Plan:**

- a. All automatic disclosures shall be produced by April 30, 2005.
- b. All discovery, including depositions, shall be concluded by:
 - i. **Plaintiff's Position:** Plaintiff, acting *pro se*, is requesting that all discovery be concluded within by April 30, 2005.

ii. Defendant's Position: Defendant is requesting that all discovery, including depositions, be concluded by May 30, 2005.

3. **Consent to Trial by Magistrate:**

The parties consent to a trial by a United States Magistrate Judge in the event the case is not disposed of by motion.

4. **Proposed Schedule for Motions:**

1. Plaintiff's Position: Plaintiff, acting pro se, is requesting that all dispositive motions be filed May 7, 2005. All oppositions thereto must be filed by May 21, 2005.

2. Defendant's Position: Defendant is requesting that all dispositive motions be filed by June 7, 2005. All oppositions thereto must be filed by June 21, 2005, in accordance with Federal and Local Rules.

5. **Designation of Experts:**

The parties have agreed that there will be no expert witnesses.

6. **Final Pre-Trial Conference:**

A final pretrial conference shall be scheduled after decisions are rendered on all dispositive motions.

7. **Trial:**

1. **Plaintiff's Position:** Plaintiff, acting pro se, is requesting that this matter be tried within the next 30 days.
2. **Defendant's Position:** Defendant is requesting that the Court first rule upon any and all dispositive motions before scheduling the case for trial. The deadline for filing dispositive motions is June 7, 2005.

8. **Certification under Local Rule 16.1(D)(3)**

The parties and their counsel herein certify that they have conferred with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of this litigation, and they have considered and discussed the resolution of this litigation through the use of alternative dispute resolution programs as outlined in Local Rule 16.4.

Respectfully submitted,

Defendant,
UNITED STATES POSTAL SERVICE,

By its attorney,
MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

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